

REMARKS

In response to the Office Action dated October 20, 2004, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. In the Office Action, claims 1-8 and 13-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Geyser, U.S. Patent No. 382,257 (hereinafter "Geyser"). Additionally, claims 9-12 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants submit that the claims 1-20 as initially presented were in acceptable form. Independent claims 1 and 13 as well as dependent claims 10-12 have been amended to more particularly point out and distinctly claim the invention. Dependent Claim 9 has been cancelled. Independent claim 1 has been amended to include the limitations of dependent claim 9 per the Examiner's reference to allowable subject matter. Applicants further submit that the claims as filed were patentable over the prior art of record, and that the amendments herein are for purposes of clarifying the claims and/or for expediting allowance of the claims, and not for reasons related to patentability. Reconsideration is respectfully requested. Applicant respectfully traverses the rejections as follows.

Turning to the 35 U.S.C. § 102(b) rejections, anticipation under 35 U.S.C. § 102(b) requires the disclosure in a single prior art reference of each and every element of the claim under consideration, and each element must be arranged as in the claim. Geyser does not teach or suggest, as in independent claim 13, stabilizing means being configured to suspend the rounded head near a central portion of the conduit. Rather, Geyser is directed to utilizing "[t]he cup 8 is pyramidal in contour, being formed of four triangular pieces of leather or other suitable flexible material, united at their edges, the seams or joints 9 being of such a character as to keep

the cup expanded, but freely yielding when subjected to external pressures." Geyser, pg. 1, lines 70-75. For at least the above reasons, Geyser fails to meet the requirements for supporting a 35 U.S.C. §102(b) rejection of these claims, and applicants respectfully request reconsideration and withdrawal of the rejections of claim 13 based on Geyser. Similarly, Geyser does not teach or suggest the limitations present in claims 14-18 when analyzed in light of the use of stabilizing means being configured to suspend the rounded head near the central portion of the conduit. Therefore, claim 13 and the claims that depend thereon are patentable over the cited art.

Turning to the rejection of independent claim 19 of the present invention, Geyser does not teach or suggest pushing the fish tape through the conduit. Rather, Geyser is directed to "[w]ater is then turned into the section of line being operated on, and, passing along the pipe, engages the cup 8 on the front end of the arrow and forces the same before it through the section of pipe." Geyser, pg. 1, lines 65-69. Indeed, if anything, Geyser *teaches away* from the pushing the fish tape through the conduit as Geyser discloses flowing fluid through the conduit to inflate the cup and drag the cord through the conduit. The use of the fish tape to push the fish tape guide through the conduit is far different than flowing fluid through the conduit to inflate the cup and drag the cord through the conduit.

For at least the above reasons, Geyser fails to meet the requirements for supporting a 35 U.S.C. §102(b) rejection of these claims, and applicants respectfully request reconsideration and withdrawal of the rejections of claim 19 based on Geyser. Similarly, Geyser does not teach or suggest the limitations present in claim 20 when analyzed in light of pushing the fish tape through the conduit. Therefore, claim 19 and the claims that depend thereon are patentable over the cited art.

In view of the foregoing, Applicant submits that independent claim 1 and dependent claims 2-8 and 10-12 which depend therefrom are in condition for allowance. Applicant further submits that independent claim 13 and dependent claims 14-18 which depend therefrom, respectively, are in condition for allowance. Additionally, Applicant submits that independent claim 19 and dependent claim 20 which depends therefrom are in condition for allowance.

CONCLUSION

Applicant respectfully requests a Notice of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,



John Whitaker
Reg. No. 42,222

LEE & HAYES, PLLC
421 West Riverside
Suite 500
Spokane, WA 99201
(206)315-4001